IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.518 OF 2005

Shri Jagdish Patil. .. .. Petitioner
v/s.
1. Mah. Hsg. and Area Development Authority & ors. .. .. Respondents

Mr.Sandeep Ghogre for petitioner.

Mr.V.A.Thorat with Ms.Geeta Shastri for respondents.

WITH

WRIT PETITION NO.519 OF 2005

Shri Akash Tikaram Bagul. .. Petitioner
v/s.
1. Mah.Hsg. and Area Development Authority & ors. .. Respondents

WITH

WRIT PETITION NO.522 OF 2005

Shri Nilesh Wamanrao Gaikwad. .. Petitioner
v/s.
1. Mah.Hsg. and Area Development & ors. .. .. Respondents

Mr.K.K. Waghmare for petitioners.

Mr.V.A. Thorat with Ms.Geeta Shastri.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATE : 20TH APRIL 2005

P.C. :

1. Mr.Ghogre appears in the first petition i.e. Writ Petition No.518 of 2005 and Mr.Waghmare appears in the other two petitions viz. Writ Petition Nos.519 of 2005 and 522 of 2005.

2. All these three petitioners were appointed under respondent No.1 on posts which were meant for Architects. These petitioners are Engineers and not Architects. That being so, their services were terminated. The petitioners have challenged this termination.

3. In the reply filed on behalf of the 1st respondent, it is pointed out that the posts were meant for Architects. The job that these petitioners were expected to do was that of Architects and they were expected to sign various documents and plans for the purposes of presenting them to the Municipal Corporation and various other Authorities. It was, therefore, necessary that the persons concerned had to be Architects. It is, therefore, stated on behalf of the 1st respondent that the petitioners were not eligible for being appointed and, therefore, their services were terminated.

4. Mr.Thorat, learned Counsel appearing for the respondents has, however, made a statement, on instructions, that even though this is a stand of the respondents, they are prepared to consider the petitioners with preference, as and when any further advertisement for appointment of Engineers is issued.

5. As far as Mr.J.B. Patil is concerned, he has filed Writ Petition No.518 of 2003. He has already applied in pursuance of the advertisement issued by respondent No.1. Mr.Thorat states that all other things being equal, Mr.Patil will be considered with preference. Mr.Ghogre appearing for this petitioner-Patil is satisfied with the statement made by Mr.Thorat and, therefore, he does not press this petition any further.

6. As far as the other two petitioners are concerned, they may as well apply in pursuance of the further advertisement, when issued by the respondents and similarly all other things being equal, they will be considered with preference.

7. All the three petitions stand disposed of with this order, since we do not find any error on the part of the respondents in their decision

otherwise also.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)